IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE EIGHTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SMT JUSTICE T.MEENA KUMARI

WRIT PETITION NO : 17005 of 1994

Between:

Pesh Imam Service Jamia Mosque, Nellore, rep.by it's Muthavalli S.Rashid Ali Khan,
S/o. Mahaboob Ali Khan, R/o. Nellor ,
Nellor Dist.

..... PETITIONER

AND

1 The Dist.Collector, Nellore,
Nellore Dist.
2 The Revenue Diveisional Officer, Nellore,
Nellore Dist.
3 The Manadal Revenue Officer, Nellore,
Nellore Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order or direction, preferably one in the nature of Writ of Mandamus, declaring the action of the respondents herein interfering wit the peaceful possession and enjoyment of the lands of the petitioner mosque by making plots situated in S.Nos.117,118,119,120,371/2A and 351/4 in patta No.497 of Nellore Bit-I to an extent of Ac.16.65 cents without giving any notice or reasonable opportunity is arbitrary, illegal and set aside the same and consequently direct the respondents not to interfere with the peaceful possession of the land of the petitioner Masque situated in S.Nos.117,118,119,120,371/2A and 351/4 in patta No.497 of Nellore Bit-I to an extent of Ac.16.65 cents except by following due process of law and Pass.

For the Petitioner: MR.K.MURALIDHAR REDDY, Advocate

For the Respondent Nos.1 to 3: GP FOR REVENUE

The Court made the following order :

This writ petition has been filed seeking declaration of the action of the respondents herein in interfering with the peaceful possession and enjoyment of the lands of the petitioner mosque by making plots situated in S.No.s.117,118,119,120,371-2A and 351/4 in patta No.497 of Nellore Bit-I to an extent of Ac.16-65 cents without giving any notice or reasonable opportunity as arbitrary, illegal and consequently direct the respondents not to interfere with the peaceful possession of the lands of the petitioner mosque situated in S.No.117,118,119,120,371-2A, and 351/4 in patta No.497 of Nellore Bit-I to an extent of Ac.16-65 cents.

The case of the petitioner is that the lands of the petitioner mosque have been encroached by several persons at the instance of the local political leaders. It is the further case of the petitioner that the encroachers were evicted with the aid of the police and the encroachers, who were evicted, approached respondents 1 and 2 and submitted application for grant of assignment. Further it is stated that the respondents have no right to allot the same without acquiring the same under due process of law.

As seen from the facts stated above, this court cannot decide as to whether the petitioners are in possession of the land or not by exercising its powers under Article 226 of Constitution of India and more over the allegations are civil in nature and the same have to be decided by adducing evidence.

Hence I do not find any reason to interfere with this writ petition and it is accordingly dismissed as it is in the civil nature. No costs.

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8-7-2004

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To

1 The Dist.Collector, Nellore,
Nellore Dist.
2 The Revenue Diveisional Officer, Nellore,
Nellore Dist.
3 The Manadal Revenue Officer, Nellore,
Nellore Dist.

4. Two CCs to G.P. for Revenue, High Court of A.P. Hyderabad.

5. Two CD copies.